

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
June 30, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., June 30, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Absent: Andy Kunasek, Vice Chairman. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INTERGOVERNMENTAL AGREEMENT COVERING MICROGRAPHIC DIGITIZATION OF COUNTY RECORDS

Item: Approve an Intergovernmental Agreement with Arizona Library, Archives and Public Records to set forth the responsibilities of the parties for micrographic, scanning and digitization of Maricopa County Board of Supervisor Minutes and Index books. The effective date of this Agreement shall be June 30, 2003, and shall terminate on June 30, 2004. Funding for the project will come from the Office of the Clerk of the Board in an amount not-to-exceed \$15,000. (C06030212)

Betty Colwell, Clerk of the Board's Office, reported that this agreement would be the first step, not only to preserve the County's permanent government records dating back to 1871, it would also be the first step in preparing them for insertion on the Internet, making them easily available to the public. She reported that this first phase would be covered by funds remaining in the 2003 FY budget and that any additional implementation of this project would be brought before the Board for approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried 4-0-1 to approve this method of preservation of County records.

SHERIFF'S OFFICE FUND TRANSFER FOR ESTRELLA SUPPORT VIDEO VISITATION SYSTEM

Remarking that he felt this system would contribute to the direction the County wants to go in providing services to its citizens and in accordance with ARS §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an appropriation adjustment to the FY 2003-2004 Adopted Budget that will result in an expenditure and transfer of \$461,866 from the Appropriated Fund Balance Detention Fund Reserved Contingency for Sheriff: Jail Surveillance System to a new line item in Appropriated Fund Balance Detention Fund Other Programs titled: Sheriff's Office: Estrella Support Video Visitation System. Ongoing maintenance costs of \$39,903 will be addressed in the FY 2004-2005 budget process. (C5004007M)

SHERIFF'S OFFICE INTERGOVERNMENTAL AGREEMENTS FOR LITCHFIELD PARK AND FOUNTAIN HILLS

Item: Approve the following Intergovernmental Agreements providing public safety services:

- a) City of Litchfield Park, whereby the Sheriff's Office will provide public safety services to the City. The terms of this agreement are effective July 1, 2003 through June 30, 2006. The City of Litchfield Park will reimburse the Sheriff's Office for public safety services provided in the amount of \$300,722. The Board is also requested to authorize a corresponding increase to the Sheriff's Office FY 2003-2004 general fund revenue and expenditure budget. The Sheriff's Office will work with OMB to make the appropriation adjustment after final adoption of the FY 2003-2004 budget. (C50040020)

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- b) Town of Fountain Hills, whereby the Sheriff's Office will provide public safety services to the Town. The terms of this agreement are effective July 1, 2003 through June 30, 2004. The Town of Fountain Hills will reimburse the Sheriff's Office for public safety services provided in the amount of \$1,598,388. This represents an increase in service to Fountain Hills. The Board is also requested to authorize a corresponding increase to the Sheriff's Office FY 2003-2004 general fund revenue and expenditure budget in the amount of \$358,405, the difference between the recommended budget and the actual amount of this contract. The Sheriff's Office will work with OMB to make the appropriation adjustment after final adoption of the FY 2003-0204 budget. (C50040030)

All the Supervisors expressed their approval for this process saying that taking these steps to broaden public safety services through the Sheriff's Office in these portions of the County would be beneficial to all residents of the County and well worth the cooperative efforts that have brought it about.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried 4-0-1 to approve these Intergovernmental Agreements as given above.

FUND TRANSFER – OFFICE OF CONTRACT COUNSEL

In accordance with ARS §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried 4-0-1 to approve the transfer at fiscal year end of an amount not-to-exceed \$2,892,687 from the amount reserved in the General Fund-General Government-General Contingency (Fund 100/Agency 470) "Office of Contract Counsel: Additional Costs and an amount not-to-exceed \$2,900,000 from the General Fund – General Government – General Contingency to the Office of Contract Counsel's-General Fund (Fund 100/Agency 560). The transfers would cover FY 2002-2003 actual General Fund overspending of Legal Services that cannot be absorbed elsewhere within the budget. (C56030018) (ADM530)

LITIGATION SETTLEMENT - HEALTH CARE MANDATES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried 4-0-1 to approve the settlement of the litigation with VHS of South Phoenix, Inc., dba Phoenix Memorial Hospital v. Maricopa County: (CV2002-008298, CV2003-000754, CV2003-005653), consistent with the terms of the respective Settlement Agreement. (Discussed in Executive Session on May 21, 2003.) (C39030190) (ADM409)

ADMINISTRATIVE CORRECTION - MANAGEMENT & BUDGET

Item: Approve an administrative correction to C49030328 to remove the following projects from being transferred to the General Fund Capital Projects Fund (Fund 445) in the original action approved by the Board of Supervisors on May 7, 2003:

- Downtown Property Development/Acquisition
- Forensic Science Center
- New Administrative Services Building
- Security Building; and

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Also, approve the creation of a new project in the General Fund Capital Projects Fund (Fund 445) entitled "Downtown Property Development/Acquisition and, in accordance with ARS §42-17106(B), transfer of expenditure authority in the amount of \$100,000 from the County Improvement Fund (Fund 435) to the General Fund Capital Projects Fund (Fund 445). This necessitates an appropriation adjustment increasing the General Fund Capital Projects Fund (Fund 445) expenditure budget by \$100,000 and reducing the County Improvement Fund (Fund 435) expenditure budget by \$100,000, for a net impact of zero. (C4903032801)

Brian Hushek, Director, Management and Budget, explained that this was a technical correction involving two budgetary funds and a technicality developing from certain "procedures" present at the end of one fiscal year and the beginning of the next fiscal year.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried 4-0-1 to approve the above budget items as presented by OMB.

GRANT APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried 4-0-1 to adopt Resolution McDOT 03-03 authorizing a grant application to the Arizona Department of Transportation for funding pertaining to the submission of projects for consideration in the Transportation Equity Act for the 21st Century (TEA-21) Transportation Enhancement Program Round XI. The total amount of funds being requested from the Arizona Department of Transportation TEA-21 Enhancement Program is \$303,150. The total project cost is estimated at \$322,500, including the A-87, (indirect cost) charges that have been applied to the total cost as required by the Maricopa County Department of Finance, with the County financial contribution at \$19,350. Additionally, approval is sought to accept grant funding if the grant is issued and approve an increase to McDOT's FY 2003-2004 grant revenue and expenditure budget by totaling \$303,150. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C64032673)

PLANNING AND ZONING COMMISSION BOARD CHANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried 4-0-1 to approve appointment changes for the Planning and Zoning Commission Board due to political boundary changes for Districts 1 and 2, as follows: (C02030149) (ADM3408)

- Mark Pugmire (current District 2 representative) shall be appointed to serve as the Representative from District 1 with a term expiration date of December 17, 2005, and
- Dennis Barney (current District 1 representative) shall be appointed to serve as the Representative from District 2 with a term expiration date of November 6, 2005.

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Supervisor Stapley remarked at the coincidence of this boundary change affecting the appointed representatives from both districts and effecting a "switch" of people as well as the districts they reside in that could enable both to remain on the Planning Commission. He said that both men had proven to be excellent members of that Commission and had served residents in their district(s) well prior to the switch and he was certain they would continue their excellent service from their new district(s).

POINT OF PERSONAL PRIVILEGE

Supervisor Wilson called for a point of personal privilege, asking Al Macias, Director, Office of Communications, to tell the Board about the award that he and his staff had received.

Mr. Macias explained that the department's video publication "Maricopa Magazine" had submitted "Episode 1" and "Episode 2" as nominees in the Public Affairs category of the Rocky Mountain Chapter of the National Academy of Arts and Sciences, commonly known as the "Emmys." He said, "We won one (an Emmy) on our first go-around and it's truly a tribute to our staff and the stories we do about Maricopa County – and obviously the judges liked what they saw. We walked away with an Emmy for Episode 2 and we're all very excited and proud of it." He said that the judges were from out-of-state and had considered submittals from Arizona, New Mexico, Wyoming, Utah and portions of Colorado and Texas. The Magazine is shown on Channel 11 cable TV and will soon be shown on Cox Cable Channel 9. The production staff is working towards their first dozen completed issues of the video Magazine.

Chairman Brock stated that he was extremely happy to see the creative efforts of Mr. Macias and his staff recognized and rewarded with the well deserved honor of receiving an Emmy for their efforts. All members of the Board extended their congratulations on this tribute to the continuing standard of excellence displayed by all who participate in the production of Maricopa Magazine.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated June 30, 2003, as follows.

LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

Compromise Cases – David Blevins, Ariel Garica-Noyola, Susan Harke, Michelle Lind, Maria Lorenzo, Edward Robles, Jr., Melanie Stewart, Anthony Zoppa.

Barbara Caldwell, Outside Counsel

Write-Off Cases – Manuel Garcia, Listing of MCSO Write-Off of Outstanding Bills

Barbara Caldwell, Outside Counsel

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- A.R.S. §38-431.03(A)(3) and (A)(4)

Negotiation of possible Amendment to Agreement with International Genomics Consortium

Bruce P. White, Deputy County Attorney, Division of County Counsel

Tom Manos, Chief Financial Officer

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LEGAL ADVICE; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(3) and (A)(4)

Legal advice and counsel regarding lien of property at 80th Avenue and Glendale

David H. Benton, Deputy County Attorney, Division of County Counsel
Joy Rich, Chief Regional Development Services Officer & Director of Planning & Development

PENDING LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(4)

PDS, Inc. v. Maricopa County; American Arbitration Association No. 76-117-00014-S1R

Otis Smith, Deputy County Attorney, Division of County Counsel
Pat Vancil, Director, Employee Health Initiatives
Diane Golat, Project Manager, Total Compensation

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Norma Risch, Deputy Clerk of the Board